

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

MACK INDUSTRIES, LTD., *et al.*,
Debtors.

Chapter 7

Case No. 17-09308 (CAD)
(Jointly Administered)

RONALD R. PETERSON, as chapter 7
trustee for MACK INDUSTRIES, LTD.
and RONALD R. PETERSON, as chapter 7
trustee for OAK PARK AVENUE
REALTY, LTD.,

Adv. Proceeding 19-00415

Plaintiffs,

v.

Renee Lewis, Matthew Kesner and Matinee
LLC, and Wallaby II, LLC,

Defendants.

ANSWER TO AMENDED COMPLAINT

Renee Lewis, Matthew Kesner and Matinee LLC and Wallaby II LLC, defendants in the above-captioned adversary proceeding (“Defendants”), respond to the Amended Complaint [D.I. 26] as follows:

1. Defendants admit the jurisdictional allegations designated in paragraphs 2–6 of the Amended Complaint.
2. Defendants deny the allegations designated in paragraph 13.
3. Defendants admit the allegations designated in paragraphs 14 and 15.

4. Defendants admit the following parts of certain designated allegations in the Amended Complaint and denies the rest:

- a. Paragraph 23: Defendants admit that on or around March 12, 2013, Defendants Lewis and Kesner entered into a property management agreement with Mack Property Group, Ltd. ("Property Group") for 3621 Madison. Among other things, the agreement provided that for the first 24 months Property Group would have an exclusive right to manage the property and a right to a 5% commission in the event of a sale. In exchange for these rights, Property Group agreed to guarantee monthly rent of \$1,500 (less a property management fee) during the same period.
- b. Paragraph 26: Defendants admit that on or around February 21, 2014, Matinee LLC entered into a property management agreement with Property Group for 126 Clark. Among other things, the agreement provided that for the first 12 months Property Group would have an exclusive right to manage the property and a right to a 5% commission in the event of a sale. In exchange for these rights, Property Group agreed to guarantee monthly rent of \$1,450 (less a property management fee) during the same period.
- c. Paragraph 83: Defendants admit that each of the subject properties was owned by at least one of the Defendants and that one or more of them contracted with Property Group.

5. Defendants lack knowledge or information sufficient to form a belief about the truth of all other allegations in the Amended Complaint.

AFFIRMATIVE DEFENSES

Defendants hereby allege the following affirmative defenses to the Amended Complaint:

1. To the extent Defendants received a transfer, they took the transfer for value and in good faith, without knowledge of the voidability of such transfer.
2. The Amended Complaint alleges transfers that are barred by the statute of limitations.
3. The Debtors do not have an interest in any property that was transferred to Defendants.

Dated: March 8, 2021

Respectfully submitted,

**Renee Lewis, Matthew Kesner and Matinee
LLC and Wallaby II LLC**

By: /s/ Zoran Balac
Zoran Balac
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CERTIFICATE OF SERVICE

I, Zoran Balac, the undersigned attorney, hereby certify that on March 8, 2021, I caused a copy of the foregoing *Answer to Amended Complaint* to be filed with the Court's electronic filing system and thereby electronically served copies of the same to all registrants receiving service via ECF, as shown in the Service List below.

SERVICE LIST

(SERVICE VIA ECF)

Ariane Holtschlag on behalf of Plaintiff Ronald R. Peterson, as Chapter 7 Trustee for Mack Industries, Ltd.

aholtschlag@wfactorlaw.com, bharlow@wfactorlaw.com,
gsullivan@ecf.inforuptcy.com, holtschlagar43923@notify.bestcase.com

Ariane Holtschlag on behalf of Plaintiff Ronald R. Peterson, as chapter 7 trustee for Oak Park Avenue Realty, Ltd.

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gsullivan@ecf.inforuptcy.com, holtschlagar43923@notify.bestcase.com

Jeffrey K. Paulsen on behalf of Plaintiff Ronald R. Peterson, as Chapter 7 Trustee for Mack Industries, Ltd.

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Jeffrey K. Paulsen on behalf of Plaintiff Ronald R. Peterson, as chapter 7 trustee for Oak Park Avenue Realty, Ltd.

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